

Sector 5

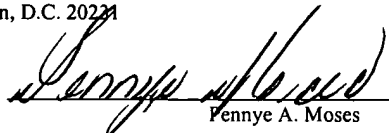


Attorney Docket No. 32892.23

PATENT

CERTIFICATE OF MAILING BY EXPRESS MAIL  
37 C.F.R. §1.10

I hereby certify that this paper, with its indicated enclosures, is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee", Express Mail No. EI637427898US, under 37 C.F.R. §1.10 on March 12, 1998, and is addressed to the Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231

  
Penny A. Moses

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eugenio A. Cefali  
Serial No.: 08/960,557  
Filing Date: October 31, 1997  
Group Art Unit: 1615  
Examiner: Unassigned  
Title: *Methods for Treating Hyperlipidemia With Intermediate Release Nicotinic Acid Compositions Having Unique Biopharmaceutical Characteristics*

**Box Missing Parts**  
Assistant Commissioner of Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

Pursuant to the Notice to File Missing Parts of Application, *Filing Date Granted*, mailed February 18, 1998, Applicant files herewith the following documents:

- ☒ Executed Statement Claiming Small Entity Status pursuant to 37 C.F.R. 1.9(f) and 1.27(c);
- ☒ Executed Declaration and Power of Attorney;
- ☒ Copy of Notice to File Missing Parts of Application, as required;
- ☒ Check in the amount of \$537.00 to cover the basic filing fee for a small entity, claims in excess of 20, and the surcharge associated with the Notice to File Missing Parts;

☒ Return postcard.


**Please correct the Patent Office records to indicate our Attorney Docket No. in this matter to be 32892.23.**

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, OR credit any overpayment to our Deposit Account No. 10-0447/32892.23, for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

Respectfully Submitted,

Date: March 12, 1998

  
Kevin R. Hansbro  
Reg. No. 38,485

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Houston, Texas 77002  
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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#3  
P. W. B. R.  
3/31/98

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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08/960.557 10/31/97 CEFALI E 32892.19

0362/0218

PETER J MANSO  
JENKENS & GILCHRIST  
1445 ROSS AVENUE  
SUITE 1800  
DALLAS TX 75202-2799

NOT ASSIGNED

1615  
DATE MAILED:

02/18/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 130.00 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ large entity ☐ small entity (verified statement filed), is \$ 720.00.

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 790.00 to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required. Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☒ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are:

- ☒ missing.  
☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ \_\_\_\_\_ processing fee is required since your check was returned without payment (37 CFR 1.821(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825." SW

☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the response.

Terry Dyer  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

03/18/1998 NUTILLARI 00000108 08360557  
01 FC:201 395.00  
02 FC:203 377.00  
03 FC:205 65.00